

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MARION D. MARSHALL,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

CASE NO. 2:15-cv-01833 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES

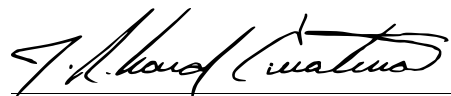
This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6). This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act Fees (*see* Dkt. 23).

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of
2 the parties (*see* Dkt. 23), the attorney declaration and time itemization (Dkt. 23, Attachment 1),
3 and the relevant record, it is hereby ORDERED that EAJA attorney’s fees of \$6,802.00, shall be
4 awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521,
5 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

6 The Acting Commissioner agrees to contact the Department of Treasury after the Order
7 for EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is
8 determined that plaintiff’s EAJA fees are not subject to any offset allowed pursuant to the
9 Department of the Treasury’s Offset Program, then the check for EAJA fees shall be made
10 payable to Tha Win, Esq., based on plaintiff’s assignment of these amounts to plaintiff’s attorney
11 (*see* Fee Agreement – Federal Court, Dkt. 23-3). If there is an offset, the remainder shall be
12 made payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.,*
13 Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall be mailed to plaintiff’s
14 counsel, Tha Win, Esq., at 600 1st Avenue, Suite 237, Seattle, WA 98104.

15 Dated this 31st day of January, 2017.

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17 J. Richard Creatura
18 United States Magistrate Judge
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